

AN ORDINANCE      **9 6 7 6 4**

**RESCINDING ORDINANCE NO. 95630, PASSED AND APPROVED ON APRIL 18, 2002, AND ACCEPTING THE LOW, QUALIFIED BID OF BRODBECK GENERAL CONTRACTING, INC. IN THE AMOUNT OF \$66,217.00 IN CONNECTION WITH THE NELSON W. WOLFF MUNICIPAL STADIUM CONCESSION BUILDING PROJECT, LOCATED AT 5757 NEW HIGHWAY 90 WEST IN COUNCIL DISTRICT 6; AUTHORIZING \$9,066.86 FOR CONSTRUCTION CONTINGENCY EXPENSES AND \$866.14 FOR ADVERTISING EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.**

\* \* \* \* \*

**WHEREAS**, Ordinance No. 95630 which was approved on April 18, 2002 and awarded a contract with Kegley, Inc. in the amount of \$66,400.00 in connection with the Nelson W. Wolff Municipal Stadium Concession Building Project and \$9,960.00 for construction contingency expenses; and

**WHEREAS**, said ordinance needs to be rescinded due to non-compliance with requirements of the contract including, but not limited to, performance bonding; and

**WHEREAS**, the construction plans and the specifications were prepared by Davis, Durand-Hollis, Rupe, Architects pursuant to Ordinance No. 93041 dated December 14, 2000; and

**WHEREAS**, the project was advertised for construction bids; plans were made available for review by potential bidders in the office of Public Works and eight bids were submitted; and

**WHEREAS**, this ordinance accepts the low qualified bid of Brodbeck General Contracting, Inc. in the amount of \$66,217.00 for the Nelson W. Wolff Municipal Stadium Concession Building Project; \$9,066.86 for construction contingency and \$866.14 for advertising expenses; and

**WHEREAS**, said project consists of constructing a 600-foot masonry concession building that will be compatible in appearance to the existing baseball stadium facilities and will be connected to the existing utilities; and

**WHEREAS**, approval of this ordinance will be a continuation of City Council policy to construct previously approved capital improvement projects, **NOW THEREFORE;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The low qualified responsive bid for a total of \$66,217.00 from Brodbeck General Contracting, Inc. in connection with the Nelson W. Wolff Municipal Stadium Concession Building Project, located at 5757 New Highway 90 West in Council District 6 is hereby accepted. All other bids will be considered rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of sixty days from the effective date hereof, whichever occurs first. A copy of the proposal is attached hereto as **Attachment I**.

**SECTION 2.** The City Manager, an Assistant City Manager, or an Assistant to the City Manager, is hereby authorized to execute a standard form contract covering said project, a copy which is in substantially the same form as **Attachment II** is incorporated herein for all purposes.

**SECTION 3.** The budget in Fund No. 43-405095, 1994 Baseball Stadium Improvements, shall be revised by increasing Index Code 393595, entitled "Unallocated Appropriations: Proceeds", in the amount of \$210.00.

**SECTION 4.** The budget in Fund No. 43-405006, 1994 Baseball Stadium Improvements, is adjusted by reducing appropriations in Index Code 628164, entitled "Construction Contract", by \$183.00. The encumbrance in the amount of \$66,400.00, payable to Kegley, Inc., is hereby cancelled. The amount of \$66,217.00 is authorized to be encumbered and made payable to **Brodbeck General Contracting, Inc.**, in connection with the Nelson W. Wolff Municipal Stadium Concession Building Project.

**SECTION 5.** The budget in Fund No. 43-405006, 1994 Baseball Stadium Improvements, is adjusted by reducing appropriations in Index Code 628339, entitled "Construction Contingency", by \$893.14. The amount encumbered and made payable for miscellaneous construction contingency, in connection with the Nelson W. Wolff Municipal Stadium Concession Building Project, is reduced by \$893.14.

**SECTION 6.** The amount of \$866.14 is appropriated in Fund No. 43-405006, 1994 Baseball Stadium Improvements, in Index Code 759225, entitled "Advertising Expenses", and is authorized to be encumbered and made payable for advertising expenses, in connection with the Nelson W. Wolff Municipal Stadium Concession Building Project.

**SECTION 7.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

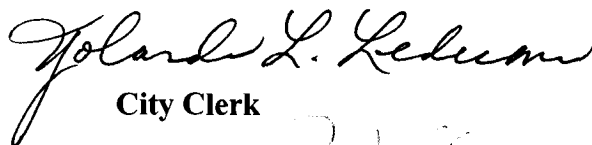
**SECTION 8.** This ordinance will become effective on the 1st day of December, 2002.

**PASSED AND APPROVED** this 21st day of November, 2002.



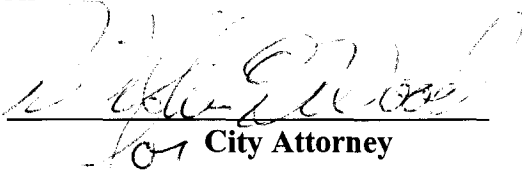
M A Y O R  
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



for City Attorney